HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 1927 of 2007

DATED: 05-02-2007

Between:

J.Madhavaiah

...Petitioner

and

The Revenue Divisional Officer,
Kurnool and others

...Respondents.

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 1927 of 2007

ORAL ORDER:

The writ petition is filed on a trivial grievance. Facially it challenges the order of the 2nd respondent dated 3-1-2007 rejecting his appeal and confirming the order of the 1st respondent dated 24-6-2004 authorising the 4th respondent as a Fair Price Shop Dealer of T.Gokupalapadu Village of Krishnagiri Mandal, Kurnool District.

Pursuant to a notification calling for applications for granting authorization for the aforesaid Fair Price Shop, the petitioner and others applied. Interviews were held on 15-6-2004. The petitioner claims to have been selected and his name published in the notice board of the 1st respondent on 18-6-2004. However, by the order of the 1st respondent dated 24-6-2005, the 4th respondent was granted authorization for the Fair Price Shop in question.

Assailing the 1st respondent's order dated 24-6-2004 the petitioner preferred an appeal to the 2nd respondent. The 2nd respondent initially suspended the 1st respondent's order dated 24-6-2004 and eventually allowed the appeal by the order dated 5-10-2004. In view of the order dated 16-7-2004 of the 2nd respondent staying the appointment order of the 4th respondent, the 1st respondent was directed to make

alternative arrangements and the petitioner was permitted to distribute the essential commodities. Against the final order of the 2nd respondent dated 5-10-2004, the 4th respondent preferred a revision before the 3rd respondent. The 3rd respondent without notice to the petitioner allowed the 4th respondent's appeal by an order dated 4-11-2004. Questioning the said order, the petitioner filed W.P.No.21118 of 2004. The said writ petition was disposed of by the judgment dated 15-12-2004 directing the 2nd respondent herein to issue notice of hearing to the rival parties and dispose of the petitioner's appeal *de novo* and within the prescribed period. It is directed that till such disposal of the appeal, the existing arrangement should continue. The petitioner is thus continuing as the authorisee.

The 2nd respondent by the order impugned in this writ petition rejected the petitioner's appeal on the grounds recorded therein. As a consequence, the 4th respondent's appointment by the 1st respondent's order dated 24-6-2004 has become operational. As against the 2nd respondent's appellate order dated 3-1-2004 the petitioner has a revisional remedy under Clause 21 of the Andhra Pradesh State Public Distribution System Control Order, 2001. The petitioner has, in fact, filed the revision on
17-1-2007 but has yet approached this Court by this writ petition. The writ petition is therefore, misconceived.

The petitioner states that he has also sought interim relief in the revision. If that be so, the 3rd respondent-revisional authority shall dispose of the application for interim relief expeditiously and

preferably within a period of four weeks from the date of receipt of a copy of this order. Nothing in this order shall be construed as an expression by this Court on the merits of the petitioner's revision or his claim for interim relief. The appeal as well as the application for interim relief shall be disposed of by the revisional authority on merits and in accordance with law within the specified time.

The writ petition is dismissed with the observations as above. There shall be no order as to costs.

GODA RAGHURAM, J

05-02-2007
Note:
Issue copy in one week.
/B.O/
GRR